



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	June 2, 2022	
HEARING DATE:	June 15, 2022	AGENDA ITEM: 6
PROJECT NUMBER:	2019-001416-(5)	
PERMIT NUMBER(S):	CUP No. RPPL2019002661	
SUPERVISORIAL DISTRICT:	5	
PROJECT LOCATION:	16612 Sierra Highway, Canyon Country	
OWNER:	James C. Ball	
APPLICANT:	James C. Ball	
CASE PLANNER:	Richard Claghorn, Principal Regional Planner rclaghorn@planning.lacounty.gov	

The above-identified item is a request for a Conditional Use Permit (CUP) to authorize the construction of six single-family residences on six existing contiguous legal lots, including related grading and development, within a Hillside Management Area and to authorize a water storage and distribution system, Ball Mountain Water Company, in the A-2-2 (Heavy Agricultural - Two Acre Minimum Required Lot Area) Zone ("Project").

The Project was originally scheduled for a public hearing on May 11, 2022, but the public hearing was continued to June 15, 2022 at the applicant's request to meet with staff to address concerns he had with the some of the draft conditions of approval. Staff offered to meet with the applicant, but as of this time no meeting has been scheduled. The applicant has expressed concerns regarding Condition Nos. 7, 30-33, and 39-44.

Also, since the preparation of the May 11, 2022 hearing package, additional correspondence has been received. The correspondence consists of email correspondence from the applicant expressing his concerns regarding the draft conditions of approval, email correspondence from two other individuals regarding the Project, and correspondence from State and County agencies during the California Environmental Quality Act consultation process. The additional correspondence is included in this supplemental package. One email was from the owner of an adjacent vacant parcel who asked what negative impact the Project might have on his property, what process he

would need to go through to develop his property, and a request for the contact information of the applicant. Another email was received from a person with concerns about the impact of the Project water system on surrounding properties, as well as possible impacts to oak trees.

Staff has been unable to schedule a virtual meeting with the applicant to discuss the draft conditions of approval because the applicant will not agree to a virtual meeting. Staff will attempt to schedule an in-person meeting with the applicant to discuss the applicant's concerns about the draft conditions of approval. More time will be needed in order to schedule a meeting with the applicant. Therefore, staff recommends that the public hearing be continued to July 27, 2022.

SUGGESTED MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THE PUBLIC HEARING TO July 27, 2022.

Report

Reviewed By:



Samuel Dea, Supervising Regional Planner

Report

Approved By:



for Susan Tae

Susan Tae, Assistant Administrator

Attachments:

Applicant correspondence

Emails comments

Correspondence from State and County agencies

RE: Ball Rejection of CUP conditions

chris@ballcm.com <chris@ballcm.com>

Tue 5/10/2022 1:46 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Cc: Samuel Dea <sdea@planning.lacounty.gov>; Roland Trinh <RTrinh@counsel.lacounty.gov>; Susan Tae <stae@planning.lacounty.gov>

CAUTION: External Email. Proceed Responsibly.

[See my responses below.](#)

Chris Ball

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Sent: Tuesday, May 10, 2022 11:35 AM

To: chris@ballcm.com

Cc: Samuel Dea <sdea@planning.lacounty.gov>; Roland Trinh <RTrinh@counsel.lacounty.gov>; Susan Tae <stae@planning.lacounty.gov>

Subject: RE: Ball Rejection of CUP conditions

Hi Chris,

You are not being asked to do the consultation with the tribe. We've already done that. Through that process they provided the draft language for the measures that were incorporated as draft conditions No. 30-33 for the project, including the requirement to contact the tribe to **procure a monitor** to be present during on-site grading activities. If you want to dispute those conditions, you can ask that the Commission delete or modify the conditions in question during the hearing. It would help for you to provide a letter explaining the details of why you don't think it should apply, if you want to add anything to what you wrote below. When we met with the tribe we explained that there had already been grading done on the site.

[CB:] Please provide information for name and address of a contact person. I will write them a letter. I refuse to pay extortion fees for bullshit. They should seek a charitable contribution from somebody who respects what they are trying to do. If they think it's important to consult, I will meet with them, but I won't submit to some bullshit shakedown.

We're planning to request a continuance to June 15 or later at tomorrow's hearing. Please confirm if June 15 works for you. We would still like to hold a meeting to discuss the issues to better answer any questions and attempt to resolve any concerns. Thanks.

[CB:] A June 15 hearing date is OK. Who exactly wants to be in a phone conference with me? Whoever it was that wanted a detailed planting map for all shrubbery on 19 acres of burned-out desert chapparal, I don't want that person anywhere near my project.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

We Appreciate Your Feedback!

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<https://bit.ly/LACoCSSSurvey>

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From: chris@ballcm.com <chris@ballcm.com>

Sent: Tuesday, May 10, 2022 10:47 AM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: RE: Ball Rejection of CUP conditions

CAUTION: External Email. Proceed Responsibly.

Thank you Richard,

Regarding Indian Tribal Consultation

I read AB 52.

Note this section: SEC. 5. Section 21080.3.1 is added to the Public Resources Code, to read:

(e) The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

And: SEC. 6. Section 21080.3.2:

(b) The consultation shall be considered concluded when either of the following occurs:

(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

It seems it is your responsibility to initiate the consultation, not mine.

You should inform the Tribes of the following:

1. The proposed grading areas for new dwellings are the same areas that were graded previously between 2004 and 2006 for a shared driveway:
 - a. At the very least, parcels 3231-010-(025, 020, 028) should be exempt from this "consultation," because they were previously graded.
 - b. Parcel 3231-010-023 should be exempt, because I track-rolled it and planted 120 trees in 2004.

2. My property is at least 3 miles from any perennial water source.
3. My property has no natural sheltered terrain such as caves, forests or box canyons.
4. I will litigate any proposed shake-down fees or fee assessments for "consultation."

Regarding paragraph 7

You have my suggestion for paragraph 7. Time limits must be something under my control, not County's.

"Virtual meeting"

I'm not interested in any verbal discussions, as I am maintaining a written record for possible litigation.

This was written on my first day back from a 10-day vacation.

More later.

Chris Ball

Ball CM, Inc.
16612 Sierra Hwy
Canyon Country, CA 91351

Off: 661-621-9490 x202
Fax: 661-299-5946
Cell: 661-310-8115

General Disclaimer: If you read this through the keyhole of a small screen, it's not my fault if you misunderstand the message.

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Sent: Thursday, May 5, 2022 7:23 AM

To: chris@ballcm.com

Cc: Elida Luna <ELuna@planning.lacounty.gov>; Samuel Dea <sdea@planning.lacounty.gov>; Roland Trinh <RTrinh@counsel.lacounty.gov>; Susan Tae <stae@planning.lacounty.gov>

Subject: Re: Ball Rejection of CUP conditions

Hello Mr. Ball,

The reason we consulted with the Fernandeño Tataviam Band of Mission Indians (FTBMI) is that the County is required to notify the tribes in the area under a state law known as AB 52. This law applies to all projects that are not categorically exempt under CEQA. It applies to the entire state of California. We are required to notify the tribes of a project in such cases, and then they must respond within 30 days if they want to consult on a particular project. In this case the FTBMI requested to consult with us on the project and they proposed the requirements, which were then modified slightly. This law wouldn't apply if you were building only one single-family residence because it would be categorically exempt under CEQA. However, the exemption doesn't apply if you are building multiple residences in a coordinated effort on contiguous parcels in a non-urban area. The law is applicable whether or not it is a subdivision.

With regard to Condition No. 7, we can consider extending the amount of time needed to use the permit. We'd like to discuss this with you and answer any other questions, preferably on May 12 or May 16-19. Let me know if you would be willing to join a virtual meeting to discuss the conditions. Thanks.

Richard Claghorn

Principal Regional Planner

North County Development Services Section

Department of Regional Planning

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From: chris@ballcm.com <chris@ballcm.com>

Sent: Wednesday, May 4, 2022 5:57 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Cc: Elida Luna <ELuna@planning.lacounty.gov>; Samuel Dea <sdea@planning.lacounty.gov>; Roland Trinh <RTrinh@counsel.lacounty.gov>

Subject: RE: Ball Rejection of CUP conditions

CAUTION: External Email. Proceed Responsibly.
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Richard,

You have not provided me with any legal justification for “consulting” with Fernandño Tataviam Band of Mission Indians. MY PROJECT IS NOT A SUBDIVISION. Assume for a minute that my six lots are already lawfully recorded, not a subdivision, what is your legal justification for requiring this for individual permits applied one at a time? Is this something that would be required if I was building one house? I smell a rat here, and we are investigating a financial connection between the Fernandño Tataviam Band of Mission Indians and Sup. Barger.

I am doing my own grading. IT IS NOT A LARGE AMOUNT. The proposed grading will cover areas already disturbed by the previous grading. There is NO CHANCE, NONE, that artifacts will be encountered. If the tribal Indians want to consult with me, you can give them my contact information, but I’m not submitting to some shakedown scheme.

Regarding parcel -019. I will be moving my two donkeys to that parcel soon, and it will be the last house in sequence that I’m building. We’ll see what 5 years of trampling by donkeys does to that “environmentally sensitive” parcel. I met with your county biologist and also two gals from CA Fish and Wildlife. Nobody informed me of this “environmentally sensitive” bullshit, which you dumped on me by surprise within two weeks of the hearing date. I suspect they were all just too damn lazy to walk over there. I accept your explanation regarding conditions 39-44, and if true I won’t object to them.

Regarding Paragraph 7.

Where it says: “the issuance of” change to “application for.”

Insert after “beginning of construction” the following: “within 90 days of issuance of a building permit.”

Rationale: I have no control over when a permit might be issued. County controls that.

As mentioned previously, I am not attending the virtual non-meeting of the RPC. If something comes out of that meeting that I don’t accept, I’ll reject the entire C.U.P. If DRP wants to save the C.U.P., I will work with you for the next 30 days, and Regional Planning can propose a modification to the conditions at your own time and expense. I’m not appealing any adverse conditions of the C.U.P. I’ll just reject the whole damn thing.

Chris Ball

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Sent: Tuesday, May 3, 2022 5:06 PM

To: chris@ballcm.com

Cc: Elida Luna <ELuna@planning.lacounty.gov>; Samuel Dea <sdea@planning.lacounty.gov>; Roland Trinh <RTrinh@counsel.lacounty.gov>

Subject: RE: Ball Rejection of CUP conditions

Hello Chris,

Thank you for providing a letter. It’s not necessary to provide a signature for the letter. The letter will be provided to the Commission.

I just wanted to clarify some information regarding the conditions. Conditions No. 39-44 are only applicable to house on Parcel 19 and the driveway leading to it, as well as the solar array on parcel 20. They are not applicable to every parcel as indicated in your letter. This is explained in condition No. 39. The other five homes could be built without needing to comply with these conditions. These conditions were recommended by our staff biologist in order to make sure there will not be any significant impacts to the areas on the site with sensitive habitat. The California Department of Fish and Wildlife has also expressed concerns about potential impacts to the environmentally sensitive portion of the site, and these conditions are necessary to address those concerns.

Conditions No. 30-33 were added based on input from the Fernandño Tataviam Band of Mission Indians on the legally required tribal consultation. Even if you have not encountered any artifacts or remains during previous grading activities, there is still some chance that such items could be encountered during the course of future grading. It's not unusual to have such conditions on cases involving large amounts of grading.

Thank you.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

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From: chris@ballcm.com <chris@ballcm.com>

Sent: Tuesday, May 3, 2022 4:29 PM

To: Elida Luna <ELuna@planning.lacounty.gov>; Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: Ball Rejection of CUP conditions

CAUTION: External Email. Proceed Responsibly.
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I apologize for the lack of a signature on the attached PDF file. I am currently out of town until May 10, and don't have all the computer tools.

Ms. Luna, if you email a fax number, I'll try to send a signature, if needed. Or call my cell phone 661-310-8115, and I'll authenticate.

However, I believe Mr. Claghorn with DRP can authenticate the document, at least to the extent that it is consistent with previous emails I sent him on the same subject.

I suggest that the Commission should deliberate my enclosed PDF statement and then extend their decision for 30 days, allowing Regional Planning time to come to their senses.

In any event, I will not be attending the hearing on May 11.

If a future physical, in person hearing is scheduled, I will attend personally. I don't believe that your "virtual" meetings have any validity or allow applicants an opportunity to properly express their testimony.

Regards,

Chris Ball

Ball HM CUP

chris@ballcm.com

Fri 5/27/2022 1:47 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

CAUTION: External Email. Proceed Responsibly.

Richard,

Further to my message yesterday...

I want to get rid of the Indian BS and also the CA F&W BS.

On May 5th you wrote:

This law wouldn't apply if you were building only one single-family residence because it would be categorically exempt under CEQA. However, ***the exemption doesn't apply if you are building multiple residences in a coordinated effort on contiguous parcels in a non-urban area. The law is applicable whether or not it is a subdivision.***

Can you refer me to the ***CEQA category exemption exceptions*** statute, so I can read it for myself?

I only plan to build one house at a time. I want consider CUP conditions that would provide for sequential building, one house at a time, and if one house is nearing completion but awaiting a Cert. of Occupancy, and if I want to start another building permit, then then two permits might be open at one time but ***not on contiguous parcels, and major construction activities would not be occurring for two houses at once.*** It sometimes takes a few months to get all the departmental paperwork done for a Cert of Occupancy, especially Fire Dept.

So I need to see the CEQA section that covers this and determine if the Planning Commission might be able to approve conditions that ***define*** my project in such a way that prevent simultaneous construction on contiguous parcels.

In response to my email from yesterday, I know that Tae and DeGrazia are away, so let us, you and I, see if we can make progress in the meantime.

Sequential construction of one house at a time has always been my plan.

In case I didn't tell you before, this is not a subdivision.

Chris Ball

Ball CM, Inc.
16612 Sierra Hwy
Canyon Country, CA 91351

Off: 661-621-9490 x202
Fax: 661-299-5946
Cell: 661-310-8115

General Disclaimer: If you read this through the keyhole of a small screen, it's not my fault if you misunderstand the message.

May 11, 2022

Jairo F. Avila, M.A., RPA.
Fernandeño Tataviam Band of Mission Indians
1019 Second Street, Suite 1
San Fernando, California 91340
Phone: (818) 837-0794
Email: jairo.avila@tataviam-nsn.us
sent via email.

Project: DRP 2019-001416, RPPL2019002661
Property: APN's 3231-010-(016, -018, -019, -020, -023, -025)
Subject: required "consultation"

Dear Mr. Avila,

Mr. Richard Claghorn of Regional Planning informs me that he has initiated a "consultation" with you pursuant to AB 52. SEC. 5. Section 21080.3.1: "(e) The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation."

Mr. Claghorn has told me:

"This law wouldn't apply if you were building only one single-family residence because it would be categorically exempt under CEQA. However, the exemption doesn't apply if you are building multiple residences in a coordinated effort on contiguous parcels in a non-urban area. The law is applicable whether or not it is a subdivision."

I replied as follows:

You should inform the Tribes of the following:

1. The proposed grading areas for new dwellings are the same areas that were graded previously between 2004 and 2006 for a shared driveway:
 - a. At the very least, parcels 3231-010-(025, 020, 028) should be exempt from this "consultation," because the proposed grading areas were all previously graded:
 - b. Parcel 3231-010-023 should be exempt, because I track-rolled it and planted 120 trees in 2004.
2. My property is at least 3 miles from any perennial water source.
3. My property has no natural sheltered terrain such as caves, forests, or box canyons.
4. I will litigate any proposed shake-down fees or fee assessments for "consultation."

Ball CM, Inc.

Mr. Avila, please be advised that following a previous litigation, County has already agreed that I am entitled to build six houses on recorded parcels that are not a subdivision. I am not seeking their permission. I am being forced by L.A. County to make an application for a Hillside Management Conditional Use Permit.

My Perspective on the Hillside Management Ordinance

In the 20 years that I've owned my property, verified through Public Records Act requests, and **only in the Greater Santa Clarita Valley**:

- Regional Planning and the Planning Commission or the Board of Supervisors have approved over 30,000 subdivision homes in the greater Santa Clarita Valley, mostly on hillsides, two homes per acre. Those high-density subdivisions replace thousands of hillside acres with Ticky-Tacky. The profits in mass produced housing have driven the procedures for everything done by the Department of Regional Planning.

In the 20 years that I've owned my property, verified through public disclosure documents:

- Fifth District Supervisor Mike Antonovich collected \$2,162,888 and Kathryn Barger collected \$4,129,220 in political donations. Barger is raking in money at almost six times the rate of Antonovich. The 6.3 Million Dollars paid to the Fifth District Supervisors in the last 20 years came mostly from real estate interests, construction industry interests, Big Bucks Development Companies, their lawyers, their employees, and building industry Political Action Committees. On matters that are specific to a certain district, other members of the Board or Commission generally defer to the Supervisor representing that district. Today, this gives Kathryn Barger and Susan Tae absolute authority and privilege to disregard hillside preservation on a massive scale for those with big money.

In the 20 years that I've owned my property, verified through Public Records Act requests, and **Countywide for projects not involving subdivisions**:

- Countywide, **ONLY THREE C.U.P.'s and ONLY FIVE HOUSES** have been approved under the previous HM Ordinance. Countywide, **NO C.U.P.'s and NO HOUSES** have been approved since the 2015 adoption of the current HM Ordinance.

The administration of the HM Ordinance by Regional Planning is a conspiracy to prevent small property owners from doing anything with their land, so they will be forced to sell out to Big Bucks Development Companies who are paying big money to the Fifth District Supervisor and big fees to DRP.

Previous Litigation

I sued L.A. County in April of 2013 (Case no.: BS136618) due to false writings by an officer of Regional Planning stating that there had been unapproved grading. The County attorney defended that in official court filings by stating there was no statutory duty for county officials to be truthful. After much wrangling and amended pleadings and demurrers, a mediation was ordered. A settlement agreement was finally reached in August of 2013, in which it was agreed that the grading, in fact, had been lawfully performed.

Ball CM, Inc.

My only point in rehashing the previous litigation is to underscore that Regional Planning has a history of lying about my project. County Counsel has officially filed court papers asserting the rights of county officials to not be truthful.

I am writing this, so you will know I am prepared to consult with you if you are prepared to consult with me. Since you have asserted some sort of oversight authority over my property, I must ask you to explain what criteria you are using to hinder approval of my permits.

My understanding of Native American life in this area is this:

- Those who may have left artifacts were enslaved by Catholic Spanish Missionaries who promised eternal salvation in exchange for their menial work supporting the Mission.
- Others lived in wet areas where they subsisted on grubs, frogs, fish, wild grains and berries.

Since my property is nowhere near any Missions or wet areas, hunting for artifacts here is a wild goose chase.

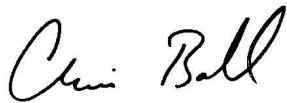
I have these questions:

1. What evidence do you have that there might be any significant tribal artifacts on my property?
2. What exactly would constitute a significant finding?
3. What record do you have that any significant tribal artifacts exist anywhere within a 20-mile radius of my property or on any property in L.A. County that has never had a perennial water source within 3 miles and does not have any natural sheltering terrain?
4. What are your other sources of income besides developer shakedowns?
5. What is your price for leaving me alone?

Summary

Obviously, my predisposed opinion is that this is some sort of Woke Shakedown that has been encouraged by large developer interests who are happy to pay small nuisance fees before raking in huge profits from mass-produced housing. Before I would consider paying off on such a shakedown, you should try and offer some objective basis that would stand up to judicial scrutiny that entitles you to put a hold on, and prevent me from building, six houses.

Sincerely,



Chris Ball

cc: R. Claghorn, S. English

Re: 6 parcels on Sierra Highway2019-001416-(5

Richard Claghorn <rclaghorn@planning.lacounty.gov>

Wed 5/11/2022 6:49 AM

To: lynnepl1@juno.com <lynnepl1@juno.com>

Yes.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

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From: lynnepl1@juno.com <lynnepl1@juno.com>

Sent: Tuesday, May 10, 2022 5:52 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: RE: 6 parcels on Sierra Highway2019-001416-(5

CAUTION: External Email. Proceed Responsibly.

Thanks - Shirley?

----- Original Message -----

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>

To: "lynnepl1@juno.com" <lynnepl1@juno.com>

Subject: RE: 6 parcels on Sierra Highway2019-001416-(5

Date: Wed, 11 May 2022 00:23:21 +0000

County biologist has been out to the site.

From: lynnepl1@juno.com <lynnepl1@juno.com>

Sent: Tuesday, May 10, 2022 5:11 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: RE: 6 parcels on Sierra Highway2019-001416-(5

CAUTION: External Email. Proceed Responsibly.

Richard - I assume the County forester has been out to check? From google maps it looks like there are a lot of ordinance size oaks.

----- Original Message -----

From: Richard Claghorn <rclaghorn@planning.lacounty.gov>

To: "lynnepl1@juno.com" <lynnepl1@juno.com>

Subject: RE: 6 parcels on Sierra Highway2019-001416-(5

Date: Wed, 11 May 2022 00:08:19 +0000

Hi Lynne,

There aren't any ordinance size oak trees that are being encroached upon. The water company already exists, but there is no CUP for it, so we're including it with the hillside management CUP. My understanding is that the water does not come from an aquifer and does not impact surrounding properties. The applicant is requesting a continuance because he is not happy with some of the draft conditions. Thanks.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

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From: lynnepl1@juno.com <lynnepl1@juno.com>

Sent: Tuesday, May 10, 2022 4:55 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: 6 parcels on Sierra Highway2019-001416-(5

CAUTION: External Email. Proceed Responsibly.
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Hi Richard - I see this got taken off calendar, but I am wondering why it doesn't require an oak permit. Looking on google maps, there are LOTS of oaks on that property. The grading isn't going to impact any of them?

Also, this project is within a water service area. Why is the County allowing this property owner to essentially start his own water company? These small systems cause a lot of trouble because the water quality is not monitored and when the well goes dry, it hurts the existing owners. The County also needs to make sure it is in compliance with the Governor's Emergency Order N-7-22 (see especially page 4-5).

Thanks for checking on this

Lynne Plambeck
Santa Clarita Organization for planning and the Environment

Re: Project number 2019-001416-(5)

ALEX EID <EIDARCO@msn.com>

Thu 5/12/2022 9:58 AM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

CAUTION: External Email. Proceed Responsibly.

Thanks a lot you are the best 🙏

On May 11, 2022, at 5:13 PM, Richard Claghorn <rclaghorn@planning.lacounty.gov> wrote:

Hi Alex,

The owner is Chris Ball. His email address is chris@ballcm.com. Here is his other contact information:

Ball CM, Inc.
16612 Sierra Hwy
Canyon Country, CA 91351

Off: 661-621-9490 x202
Fax: 661-299-5946
Cell: 661-310-8115

Let me know if you have any other questions. Thanks.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

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From: ALEX EID <EIDARCO@msn.com>

Sent: Wednesday, May 11, 2022 5:08 PM

To: Richard Claghorn <rclaghorn@planning.lacounty.gov>

Subject: Re: Project number 2019-001416-(5)

CAUTION: External Email. Proceed Responsibly.

Okay would you happen to have the contact information for the owner of the other property so I can ask them a couple of questions as well. Thank you very much

Sent from my iPhone

On May 11, 2022, at 9:55 AM, Richard Claghorn
<rclaghorn@planning.lacounty.gov> wrote:

Good morning,

The project (2019-001416) is not expected to negatively affect your property. Your property is in a Hillside Management Area like Project number 2019-001416. However, if you are only developing one parcel, you may not need a Conditional Use Permit (CUP). If the amount of grading does not exceed 15,000 cubic yards (cut plus fill) then a CUP would not be required. It could be approved through a Site Plan Review, which is a simpler process than a CUP and does not require a public hearing. However, if grading exceeds 15,000 CY, then a CUP would be required.

It appears some of the key issues would be making sure you have a means of legal access, making sure the project would not impact any oak trees, and demonstrating the lot is in compliance with Subdivision Map Act requirements. The property may need a Certificate of Compliance if there isn't one already. An Oak Tree Permit would be required if any protected oak trees are located on the site that will be impacted by the proposed development.

Let me know if you have any additional questions. Thanks.

Richard Claghorn
Principal Regional Planner
North County Development Services Section
Department of Regional Planning

We Appreciate Your Feedback!

Please take a moment and fill out our EPIC-LA customer experience survey by clicking on the link below:

<https://bit.ly/LACoCSSSurvey>

Effective March 1, 2022: Due to the recent declines in the spread of COVID-19 in Los Angeles County, Regional Planning is resuming in-person service. Currently, all field offices are open to the public. For the most current information about available services, public meeting schedules, and planning projects, please visit planning.lacounty.gov

From: DRP Public Comment <comment@planning.lacounty.gov>
Sent: Wednesday, May 11, 2022 9:07 AM
To: Richard Claghorn <rclaghorn@planning.lacounty.gov>
Subject: FW: Project number 2019-001416-(5)

FYI - A question related to Project No. 2019-01416-(5)

-Rafael

-----Original Message-----

From: ALEX EID <eidarco@msn.com>
Sent: Wednesday, May 11, 2022 8:59 AM
To: DRP Public Comment <comment@planning.lacounty.gov>
Subject: Project number 2019-001416-(5)

CAUTION: External Email. Proceed Responsibly.

Alex Eid
Eid Eleksi and Wafaa
Eidarco@msn.com
819-371-2918
I am the applicant

Hello my name is Alex Eid and I own the property adjacent to the property in the hearing. My assessors ID number (3231-010-005). I would like to know what negative Impact this can have on my property. And if later on I choose to develop my property will there be any issues or will I just have to go through the same process. Thank you and waiting for a response.

Sent from my iPhone

May 5, 2022

Richard Claghorn, Principal Regional Planner
County of Los Angeles
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

**COMMENTS FOR BALL MOUNTAIN SINGLE-FAMILY RESIDENCES
PROJECT NO. 2019-001416**

Dear Richard Claghorn:

This is to provide comments regarding the Ball Mountain Single-Family Residences project which proposes to build one single-family residence on each of the six existing legal parcels located on the 16600 block of Sierra Highway in Canyon Country. Attached is a report of LA County Library's analysis of the development and the projected impact to services.

If you have any questions or need additional information, please contact Elsa Muñoz at (562) 940-8450 or EMunoz@library.lacounty.gov.

Very best,



Skye Patrick
County Librarian

SP:YDR:GR:EM

c: Grace Reyes, Administrative Deputy, Library
Jesse Walker-Lanz, Assistant Director, Public Services, LA County Library
Ting Fanti, Departmental Finance Manager, Budget and Fiscal Services, LA County Library

<https://lacounty.sharepoint.com/sites/publiclibrary/docs/staffservices/Documents/EIR/Ball Mountain Single-Family Residences/response.doc>

7400 E Imperial Highway, Downey, CA 90242 | 562.940.8400 | LACountyLibrary.org



COUNTY OF LOS ANGELES SUPERVISORS

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**LA COUNTY LIBRARY
COMMENTS FOR BALL MOUNTAIN SINGLE-FAMILY RESIDENCES PROJECT**

LA County Library evaluated the Ball Mountain Single-Family Residences project located at the 16600 block of Sierra Highway, Canyon County, CA 91351.

The project area is being serviced by the Stevenson Ranch Library, located at 25950 The Old Road, Stevenson Ranch, CA 91381, a facility with 11,551 sq. ft. of space, a collection of 52,662 books, magazines, and media, and 21 computers. LA County Library service level guidelines require a minimum of 0.50 gross square foot of library facility space per capita, 2.75 items (books and other library materials) per capita, and 1.0 public access computer per 1,000 people served.

Stevenson Ranch Library is a community library and based on these guidelines does not currently meet the minimum requirements for the population of the service area. The current deficiency is 7,302 sq. ft. of facility space, 51,027 collection items, and 17 public access computers.

The proposed project involves the construction of a total of 6 single-family residences, with an estimated population increase of 19. This project will have a moderate impact on library services since it will create a demand for additional materials and facility space, and will affect the library's capacity to serve the residents of the area.

We estimate the total increased service cost related to the proposed project to be approximately \$12K which is illustrated by the following chart:

Ball Mountain Single-Family Residences Project	Impact Per Capita (population of 19)	Cost	Total Cost
a. Building	10	\$1,000 sq. ft	\$ 10,000
b. Land (4:1 land to building ratio)	38	\$23 (Library Planning Area 1)	\$ 874
c. Collections	52	\$28	\$ 1,456
d. Computer	0	\$1,800	\$ 0
Total			\$12,330

In efforts to minimize the impact of residential projects on library services LA County Library collects a one-time Library Facilities Mitigation Fee (Developer Fee) at the time building permits are requested for all new residential dwellings located within the unincorporated areas of the County served by the LA County Library. The current Developer Fees are as follows, by Library Planning Area, these fees are subject to a CPI increase effective July 1:

FY 2021-22 Library Facilities Mitigation Fee Schedule

Planning Area	Fee per Dwelling Unit
Area 1 - Santa Clarita Valley	\$1,010
Area 2 - Antelope Valley	\$978
Area 3 - West San Gabriel Valley	\$1,021
Area 4 - East San Gabriel Valley	\$1,008

Area 5 – Southeast	\$1,011
Area 6 – Southwest	\$1,018
Area 7 - Santa Monica Mountains	\$1,013

The proposed project is in the Library's Planning Area 1 (Santa Clarita Valley), and the mitigation fee for this area is \$1,010 per residential unit for FY 2021-2022. The total mitigation fee for this project is \$6,060 (\$1,010 x 6 units).

LA County Library also collects an annual special tax which is levied on parcels within 10 cities (Cudahy, Culver City, Duarte, El Monte, La Cañada Flintridge, Lakewood, Lomita, Lynwood, Maywood, and West Hollywood) and unincorporated areas serviced by LA County Library. The Special Tax Rate for FY 2021-22 is \$32.55 per parcel.

The Library is open to discuss options regarding mitigation efforts and supporting the continued enhancement and delivery of library services to the residents of Canyon Country.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



RECEIVED
MAY 16 2022

BY:

May 9, 2022

Richard Claghorn, Principal Regional Planner
Los Angeles County
Department of Regional Planning
North County Development Services Section
320 West Temple Street
Los Angeles, California 90012

Dear Mr. Claghorn:

**REVIEW COMMENTS
INITIAL STUDY CONSULTATION
NEGATIVE DECLARATION
BALL MOUNTAIN SINGLE FAMILY RESIDENCES**

Thank you for inviting the Los Angeles County Sheriff's Department (Department) to review and comment on the April 2020 Draft Initial Study (Draft IS) Consultation for the Ball-Mountain Single Family Residences Project (Project). The proposed Project, a single-family residential development, is generally located at 16600 block of Sierra Highway in the unincorporated community of Canyon Country. The proposed Project will develop 6 single-family residences and supporting public infrastructure including the water distribution system. Proposed grading for the proposed Project has been estimated as 18,867 cubic yards of cut and 16,338 cubic yards of fill, to be balanced on site.

The proposed Project is located within the service area of the Department's Santa Clarita Valley Sheriff's Station (Station). Per Section 14 Population and Housing on page 54 of the Draft IS, the construction of six new single-family residences on the Project site would generate a population of approximately 20 persons. Due to the cumulative impacts of projects recently approved within the Santa Clarita Valley, this proposed Project will add to the increase in the level of service required by the Station. Moreover, Section 15 Public Services on

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
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pages 55-56 of the Draft IS states that the proposed Project would have less than significant impact on our police protection services. To date, the Station is currently understaffed. Cumulatively, assigning additional personnel to the

Station to meet an acceptable service ratio will exacerbate the current shortage of personnel and equipment assets. In order to mitigate the impact to a level of less than significant, the Los Angeles County Department of Regional Planning and/or the Project Applicant should contact the Station to discuss the needs and increase in law enforcement services required. In addition, the Project Applicant will be required to pay all required development and law enforcement mitigation fees associated with the Project.

In addition, the Department generally prescribes to the principles of Crime Prevention Thru Environmental Design (CPTED). The goal of CPTED is to reduce opportunities for criminal activities by employing physical design features that discourage anti-social behavior, while encouraging the legitimate use of the site. The overall tenets of CPTED include defensible space, territoriality, surveillance, lighting, landscaping, and physical security. With advanced notice, Department personnel can be available to discuss CPTED with the Project developer.

A Construction Traffic Management Plan should also be established as part of the proposed Project to address construction-related traffic congestion and emergency access issues. If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. Flag persons and/or detours should be provided as needed to ensure safe traffic operations, and construction signs should be posted to advise motorists of reduced construction zone speed limits.

The Department remains concerned that continued growth and intensification of multi-use land uses within the service area will ultimately contribute to significant cumulative impacts on the Department's resources and operations. If future development occurs within the Project area, the Department shall be informed during the planning phases so that potential impacts and its cost implications to our resources, operations, and law enforcement services contract may be properly re-evaluated and amended as necessary.

For future reference, the Department provides the following updated address and contact information for all requests for review comments, law enforcement service information, California Environmental Quality Act documents, and other related correspondence:

Mr. Claghorn

-3-

May 9, 2022

Tracey Jue, Director
Facilities Planning Bureau
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, California 90012

Attention: Planning Section

Should you have any questions regarding this matter, please contact me at (323) 526-5657, or your staff may contact Ms. Rochelle Campomanes, of my staff, at (323) 526-5614.

Sincerely,

ALEX VILLANUEVA, SHERIFF



Tracey Jue, Director
Facilities Planning Bureau

DEPARTMENT OF TRANSPORTATION

District 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 266-3562
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

May 6, 2022

Richard Claghorn
Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles CA, 90012

RE: Ball Mountain Single-Family
Residences Project – Negative
Declaration (ND)
SCH # 2022040155
GTS # 07-LA-2022-03907
Vic. LA - 14/PM: 33.772

Dear Richard Claghorn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced ND. The applicant is proposing to build one single-family residence on each of the six parcels. The proposed residences are two stories in height, with a height of approximately 27 feet above grade, and floor area of approximately 2,700 square feet each according to the preliminary architectural plans. The actual sizes and heights of the residences may differ from the preliminary plans when ultimately built. Since the project site is within a Hillside Management Area, a CUP is required for the proposed development. A CUP is also required for the water distribution system, Ball Mountain Mutual Water Company, which serves the subject parcels and two adjoining parcels (APN 3231-010-026 & 3231-010-029). Each of these two adjoining parcels contains a single-family residence. Proposed grading for the project has been estimated as 18,867 cubic yards of cut and 16,338 cubic yards of fill, to be balanced on site. Los Angeles County is the Lead Agency under the California Environmental Quality Act (CEQA).

The Project Site is located in a hillside area extending from Sierra Highway on the west side to Sand Canyon Road on the east side. It is approximately 2 miles North of Antelope Valley Freeway (SR-14). It is comprised of six existing legal parcels, totaling up to 19.91 acres. Impacts related to VMT would be less than significant and no further evaluation in the Environmental Impact Report (EIR) is required. We concur with the findings of the Initial Study that state that the proposed Project's anticipated trip generation of 57 daily average trip falls below the screening criteria for non-retail project trip generation; further Vehicle Miles Traveled (VMT) analysis is not warranted because the Project's projected transportation impact would fall below the threshold of significance and is presumed to have less than significant impacts. Therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).

Caltrans encourages lead agencies to promote alternative transportation. This will increase accessibility and decrease Greenhouse Gas Emissions, which supports Caltrans' mission to provide a safe and reliable transportation network that serves all people and respects the environment. For strategies that will promote equity and environmental preservation, please refer to the 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State Highways will need a Caltrans transportation permit. Caltrans recommends that the Project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause issues on any State facilities, including (SR-14), please submit a construction traffic control plan detailing these issues for Caltrans' review.

Finally, any work completed on or near Caltrans' right of way may require an encroachment permit. However, the final determination on this will be made by Caltrans' Office of Permits. This work would require additional review and may be subject to additional requirements to ensure current design standards and access management elements are being addressed. For more information on encroachment permits, see: <https://dot.ca.gov/programs/traffic-operations/ep>.

If you have any questions regarding these comments, please contact Ronnie Escobar, the project coordinator, at Ronnie.Escobar@dot.ca.gov, and refer to GTS # 07-LA-2022-03907.

Sincerely,



MIYA EDMONSON
LDR/CEQA Branch Chief

cc: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Via Electronic Mail Only

May 9, 2022

Richard Claghorn
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012
RClaghorn@planning.lacounty.gov

**Subject: Negative Declaration for Ball Mountain Single-Family Residences,
SCH #2022040155, Los Angeles County Department of Regional Planning,
Los Angeles County**

Dear Mr. Claghorn:

The California Department of Fish and Wildlife (CDFW) has reviewed a Negative Declaration (ND) from the Los Angeles County Department of Regional Planning (DRP) for Ball Mountain Single-Family Residences (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Richard Claghorn
 Los Angeles County Department of Regional Planning
 May 9, 2022
 Page 2 of 25

Project Description and Summary

Objective: The Project proposes to build one single-family residence in six separate parcels, totaling six single-family residences (Table 1). Each residence would be two stories high with a height of approximately 27 feet above grade. Each residence would have a floor area of approximately 2,700 square feet. The actual sizes and heights of each residence may differ from the preliminary plans when ultimately built. Proposed grading for the Project has been estimated as 18,867 cubic yards of cut and 16,338 cubic yards of fill to be balanced on site.

Table 1. Proposed parcels for development, gross area, and disturbed area.

Proposed Assessor's Parcel Number (Parcel Name)	Gross Area		Disturbed Areas	
	(Acres)	(Square feet)	(Square feet)	(Percentage)
3231-010-020 (Parcel 20)	3.71	161,663	43,129	26.7%
3231-010-025 (Parcel 25)	2.38	103,789	31,370	30.2%
3231-010-023 (Parcel 23)	2.80	122,082	38,296	31.4%
3231-010-018 (Parcel 18)	5.23	227,684	74,306	32.6%
3231-010-019 (Parcel 19)	3.25	141,745	32,869	23.2%
3231-010-028 (Parcel 28)	2.57	111,828	21,000	18.8%
Total	19.94	868,791	240,970	27.7% average

An existing driveway runs from Sierra Highway to an existing home on Assessor's Parcel Number (APN) 3231-010-026. The driveway then enters the Project site and continues eastward, passing through five of the six parcels, before exiting the Project site and ending at APN 3231-010-029 (16666 Sierra Highway), where an existing single-family residence is located. Most of the driveway is proposed to remain, but portions of it will be re-routed, and a new driveway is proposed to branch from the main driveway north to APN 3231-010-019.

The Project would also include two fuel modification zones around each residence, two solar arrays approximately 7,273 square feet each, construction of waterlines, and construction of water storage/treatment facilities.

The Project is subject to Los Angeles County's Hillside Management Ordinance. A Hillside Management Conditional Use Permit is required for the Project.

Location: The Project is located in a Hillside Management Area at the following APN: 3231-010-018, 3231-010-019, 3231-010-020, 3231-010-023, 3231-010-025, and 3231-010-028. The Project site is bounded by Sand Canyon Road to the north and east, Sierra Highway to the west, and Quinn Drive to the south. Surrounding properties include a 110-unit detached condominium development to the southwest, a 123-unit mobile home park to the east, a mixture of commercial uses along Sierra Highway to the west, and vacant land to the north and the southeast. There are also some single-family residences to the southeast and to the west. The Santa Clara River is located approximately 1.3 miles south of the Project site.

Comments and Recommendations

DRP prepared Draft Biological Resources Conditions for issuing/approving a Conditional Use Permit for the Project. DPR provided these Draft Biological Resources Conditions for CDFW's

Richard Claghorn
 Los Angeles County Department of Regional Planning
 May 9, 2022
 Page 3 of 25

review upon our request on April 18, 2022 (Attachment B). CDFW also visited the Project site on April 21, 2022. Based on our review of the Project's CEQA document, review of the Draft Biological Resources Conditions, and our site visit, CDFW offers the comments and recommendations below to assist DRP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Coastal California Gnatcatcher

Issue: The Project supports vegetation consistent with habitat requirements of the California gnatcatcher (gnatcatcher; *Polioptila californica californica*), an Endangered Species Act (ESA)-listed species and California Species of Special Concern (SSC). The Project proceeding without determining whether gnatcatcher may be present could result in impacts to a sensitive and special-status species.

Specific impacts: The Project could result in loss of gnatcatcher habitat and well as encroach into habitat. In addition, the Project occurring during the gnatcatcher breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: Gnatcatchers are closely tied to coastal scrub vegetation for reproduction (USFWS 2010). During the non-breeding season, gnatcatchers may also occur in other nearby plant communities (USFWS 2010). The Project site may support habitat for gnatcatcher (Calderon 2021; Attachment C). Moreover, according to the ND, coastal sage scrub and chaparral vegetation occur within the Project site. Finally, the Project site is within the gnatcatcher range, which includes the greater Santa Clarita Valley and the foothills along the upper Santa Clara River (Cooper et al. 2017; USFWS 2010).

According to the ND, "a wildfire burned over much of the site in October 2019, damaging or destroying much of the existing vegetation." Coastal scrub vegetation is a fire adapted plant community. Habitat loss due to fire is temporary because of the ability of coastal scrub plants to sprout from their crown, germinate from (unburned) seeds buried in the soil, or both (USFWS 2010). Vegetative sprouting is the primary postfire regeneration method occurring in the 1st year after fire (Hauser 2006). Coastal scrub (i.e., gnatcatcher habitat) recovers from fire and, over time, returns as habitat for the gnatcatcher (USFWS 2010). As plants return to areas that have burned, gnatcatchers initially return to use these areas as foraging habitat (with adjacent unburned areas providing nesting habitat) (USFWS 2010). Burned areas with rapid plant re-growth may be both nesting and foraging habitat for the gnatcatcher within three years, but areas with slower re-growth take longer (e.g., five to ten years) (USFWS 2010). While the Project site may have been burned, the Project site still supports coastal scrub regardless of the current vegetation composition, density, and coverage postfire.

The Project disturbance footprint is at least 240,970 square feet. The Project could result in permanent loss of gnatcatcher habitat from development of six residences, roads, and solar

Richard Claghorn
 Los Angeles County Department of Regional Planning
 May 9, 2022
 Page 4 of 25

arrays. Fuel modification could also result in permanent loss of gnatcatcher habitat. Furthermore, the Project could degrade the habitat quality and function in areas adjacent to the Project site. The Project site is contiguous with natural areas between the Sierra Highway and Sand Canyon Road. Habitat in adjacent areas could be impacted as a result of edge effects such as introducing new sources of night lighting, pets, and domestic animals, as well as spreading invasive, non-native plants as a result of fuel modification activities.

In addition, the Project could impact breeding or dispersing gnatcatchers. Project construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. Accordingly, the Project would have an impact on gnatcatcher.

Evidence impact would be significant: The Project could result in impacts on gnatcatcher. As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022a).

CEQA provides protection not only for ESA and CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of gnatcatcher could require a mandatory finding of significance (CEQA Guidelines, § 15065). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

In addition, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird.” Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513. As such, impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact under CEQA. Finally, please be advised that CDFW does not issue permits for take of bird and raptor nests, eggs, or nestlings.

Richard Claghorn
Los Angeles County Department of Regional Planning
May 9, 2022
Page 5 of 25

The Project's ND does not provide measures to mitigate for potentially significant impacts on gnatcatcher. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW and U.S Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends DRP revise the Project's CEQA document to include a discussion of natural vegetation communities on site with a specific emphasis on coastal scrub. The CEQA document should discuss the Project's potential impacts on coastal California gnatcatcher from the standpoint of the following: habitat loss, encroachment, fragmentation, and connectivity; edge effects; take of nests, eggs, or nestlings; and glare or strikes from the solar arrays. The Project's CEQA documents should provide figures showing gnatcatcher habitat overlaid on the proposed Project plan. Finally, the Project's CEQA document should provide measures to mitigate for potentially significant impacts on coastal California gnatcatcher.

Mitigation Measure #1: The Project site contains vegetation consistent with habitat requirements of gnatcatcher, is contiguous with coastal scrub in adjacent areas, and is within the gnatcatcher range¹. Accordingly, CDFW recommends that the Project Applicant retain a qualified biologist to survey the Project site and adjacent areas for coastal California gnatcatcher prior to any clearing, grading, or excavation work on the Project site. The qualified biologist should conduct surveys according to U.S Fish and Wildlife Service's [Coastal California Gnatcatcher \(*Poliophtila californica californica*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The protocol should be followed for all surveys unless otherwise authorized by the U.S Fish and Wildlife Service in writing (USFWS 1997). A report documenting survey results, including negative findings, and an impact assessment should be prepared and provided to the USFWS, CDFW, and DRP.

Mitigation Measure #2: If gnatcatchers are present, the Project Applicant should consult with the U.S Fish and Wildlife Service to determine if the Project would result in take of coastal California gnatcatcher. Consultation with USFWS, in order to comply with the Endangered Species Act, is advised well in advance of any ground-disturbing activities and vegetation removal that may impact gnatcatcher.

Mitigation Measure #3: The Project Applicant should provide replacement habitat for permanent loss of coastal California gnatcatcher habitat at no less than 2:1.

Comment #2: Impacts on Streams and Associated Natural Communities

Issue: The Project may impact streams and associated natural communities.

¹ According to U.S. Fish and Wildlife Service Protocol, "coastal California gnatcatcher surveys shall be completed by permitted biologists if proposed projects are located within the historic range of this species and contain sage scrub plant communities including, but not limited to, Venturan coastal sage scrub, Diegan coastal sage scrub, Riversidean sage scrub, maritime succulent scrub, and/or alluvial fan sage scrub vegetation; chaparral and native/non-native grasslands when intermixed or ecotonal with sage scrub vegetation; and riparian vegetation when ecotonal to sage scrub vegetation."

Richard Claghorn
Los Angeles County Department of Regional Planning
May 9, 2022
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Specific impacts: The Project may impact one or more streams and associated natural communities. Impacts on these resources could occur if the Project would divert a stream from its natural course of flow, alter how water is conveyed through the Project site, remove vegetation along the stream, or degrade vegetation through habitat modification (e.g., fuel modification, loss of water source, encroachment, and edge effects leading to introduction of non-native plants). In addition, Project construction and fuel modification could impact streams by depositing, permitting to pass into, or placing where it can pass into the waterway any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. Finally, Project-related irrigation, whether for landscaping or fuel modification purposes could modify on-site drainage where this water could enter streams.

Why impacts would occur: The ND states, "Drainage courses are present on the project site. One drainage course will be impacted by the project, which is located on Parcels 18 and 19 and includes part of the driveway leading to the building site on Parcel 19." In addition, based on review of the topography, there are multiple drainages that could support ephemeral or episodic flows during rain events. Proposed development in all six parcels could occur within or adjacent to one or more of these drainage features. The Project could impact streams and associated natural communities during Project construction and after the Project is complete.

Project construction would include substantial grading and balancing of fill on site. Ground-disturbing activities as well as vegetation removal could result in soil erosion and earth movement. As a result, the Project could deposit materials such as sediment and fine particles into a stream. Page 37 of the ND states, "Development of the proposed project may result in two types of water quality impacts: 1) short-term impacts due to construction related discharge of pollutants and through wind and water driven erosion of soil; [...]." Even after the Project is complete, on-going vegetation removal during fuel modification activities could also result in the Project depositing sediment and fine particles into a stream.

In addition to potentially depositing deleterious materials into a stream, ground-disturbing activities during Project construction occurring adjacent to a stream could impact the bed, bank, and channel. Vegetation removal could also result in impacts to the bed, bank, and channel of a stream. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Therefore, the Project potentially impacting vegetation adjacent to the stream but not the stream itself, could still impact the stream. After the Project, on-going vegetation removal during fuel modification activities could also continue to impact the bed, bank, and channel of a stream.

After the Project is complete, the Project could have long-term impacts on streams. Page 37 of the ND states, "Development of the proposed project may result in two types of water quality impacts: [...] and 2) long-term impacts from operation or changes in site runoff characteristics such as buildings, roads, parking lots (impervious surfaces) that prevent water from being absorbed back into the ground which also results in increase rate and flow of stormwater runoff." The Project would be increasing impermeable surface area throughout the Project site. This could alter on-site hydrology and impact streams. Furthermore, the Project would be installing features that would modify how water is conveyed across the Project site compared to baseline (no Project). Page 38 in the ND states, "the surface water runoff from the Project Site would be directed to adjacent storm drains. Catch basin, infiltration basin would be incorporated into the project design per LID requirements and Stormwater Ordinance."

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According to Draft Biological Resources Condition 40, mitigation for streams (i.e., Condition 45) would only apply to development of "APN 3231-010-019 or the driveway leading to it, or related grading or development, or of the proposed solar panel array on the north part of APN 3231-010-020." As previously stated, Proposed development in all six parcels could occur within or adjacent to one or more drainage features. Draft Biological Resources Condition 40 as it is currently proposed may not address potential impacts on streams resulting from development of the remaining four parcels. As a result, the Project could continue to have impacts on streams and associated natural communities.

Evidence impacts would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake²;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

The Project may result in significant impacts on streams both during Project construction and for the Project's lifetime. The ND does not provide measures to mitigate for potentially significant impacts on streams. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #2: CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

Recommendation #3: CDFW recommends DRP revise the Project's CEQA document to

² "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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provide a delineation of streams and natural plant communities in the Project site and adjacent areas where there is hydrologic connectivity. The Project's CEQA documents should provide figures showing streams and natural plant communities overlaid on the proposed Project footprint.

Mitigation Measure #4: The Project Applicant should notify CDFW pursuant to Fish and Game Code 1602. The Project Applicant should submit proof to DRP that CDFW was notified prior to approval of improvement plans; issuance of grading permits; issuance of a Conditional Use Permit, and any clearing, grading, or excavation work on the Project site.

Mitigation Measure #5: The Project Applicant's notification to CDFW should provide the following information:

- 1) A description of the proposed Project, include grading and cutting work that has already occurred within the Project site;
- 2) A stream delineation in accordance with the U.S Fish and Wildlife Service wetland definition adopted by CDFW³ (Cowardin et al. 1979);
- 3) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#), second edition (Sawyer et al. 2009);
- 4) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
- 5) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

Mitigation Measure #6: If a LSA Agreement is needed for the Project, the Project Applicant should obtain a LSA Agreement from CDFW and provide a copy of the LSA Agreement to Department of Regional Planning prior to approval of improvement plans; issuance of grading permits; issuance of a Conditional Use Permit; and any clearing, grading, or excavation work on the Project site. The Project Applicant should comply with the mitigation measures detailed in the LSA Agreement issued by CDFW.

Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022b).

Mitigation Measure #7: The Project Applicant should provide compensatory mitigation for impacts on streams at no less than 2:1 for the impacted stream and habitat acreage, or at a ratio acceptable to CDFW.

³ Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

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Additional Recommendations

Recommendation #4: CDFW recommends DRP include a final Biological Resources Conditions with the Project's final CEQA document, and include these conditions as part of a Mitigation Monitoring and Reporting Plan (MMRP). "A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in reference documents which address required mitigation measures [...], or in project design [CEQA Guidelines, § 21081.6(b)]. A final Biological Resources Conditions should be equal or more effective measures as the Draft Conditions for Biological Resources and should include measures addressing all the resources identified in the draft. This includes the following:

- Landscaping;
- Fencing, walls, enclosures, and signage;
- Biological monitor;
- Pre-construction surveys for breeding birds, slender mariposa lily, and low; mobility reptiles; and
- Jurisdictional resources.

DRP should recirculate the Project's CEQA document for review if final Biological Resources Conditions are lesser or less effective than measures in the Draft Conditions for Biological Resources, and/or if DRP determines that the proposed measures or project revisions will not reduce potential effects to less than significances and new measures or revisions must be required (CEQA Guidelines, § 15073.5).

Recommendation #5: According to the Project's CEQA document, slender mariposa lily (*Calochortus clavatus* var. *gracilis*) could occur on the Project site. Slender mariposa lily has a California Rare Plant Rank of 1B.2. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century (CNPS 2022). The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2022). Slender mariposa lily meets the definition of an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Impacts to slender mariposa lily and their habitat may result in a mandatory finding of significance because the Project would have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065).

Draft Biological Resources Condition 44b states, "If slender mariposa lily is detected, it shall be avoided to the greatest extent possible." However, it is unclear Biological Resources Condition 44b as it is currently proposed, would avoid impacts on rare plants and seedbank. Loss of rare plant seeds could cause a population decline. Accordingly, CDFW recommends DRP revise Biological Resources Condition 44b and include this measure as part of a MMRP, to avoid impacts on rare plants and seedbank. A minimum avoidance buffer should be provided, which may vary depending on the rare plant species. An avoidance buffer should prevent the following impacts on rare plants and seedbank:

- trampling by earthmoving equipment;
- removal of soil that renders living seeds in the soil inviable or causes them to be killed;

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- erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; and
- death of living seeds due to mold, disease, or other reasons that cause inviability.

An adequate buffer should protect the core population and habitat while allowing for the population to spread outwards. To the extent feasible, the areas between preserved locations should also be preserved in order to establish connectivity between adjacent populations. CDFW also recommends the DRP provide an explanation of chosen buffer distance(s) to avoid impacts on rare plants, seedbank, and habitat.

In addition, if slender mariposa lily is detected, CDFW recommends DRP revise Biological Resources Condition 44b and include this measure as part of a MMRP, to require the Project Applicant to submit an avoidance and/or planting plan prior to issuance of grading permits and any clearing, grading, or excavation work on the Project site. The plan should be prepared by a qualified biologist. The plan should be reviewed and approved by DRP. The plan should include a monitoring and reporting plan to document compliance with avoidance and/or compensatory mitigation measures. Monitoring and reporting should be performed by a qualified biologist.

Recommendation #6: The Project's CEQA document should discuss what effects the two proposed solar arrays may have on biological resources in areas within and adjacent to the Project site. In addition, the Project's CEQA document should discuss what direct and indirect impacts the solar arrays may have on biological resources. Measures to mitigate the impacts of solar arrays on biological resources should be provided in the Project's CEQA document, including a discussion of the feasibility, efficacy, and enforceability of those measures.

Recommendation #7: Page 20 of the ND states, "Direct and indirect impacts to special-status species resulting from development of the site would be reduced to a less than significant level through the implementation of project conditions. The access roads and other development shall be designed to avoid impacting any areas where special-status species may be present." If DRP has determined that revisions to the project plans would avoid the effects or mitigate the effects on the environment to a point where clearly no significant effect on the environment would occur, the CEQA document should explain the reasons for determining that potentially significant effects would not be significant [CEQA Guidelines, §§ 15063(c)(3)(C); 15063(c)(5); 15064(f)(2)].

Therefore, CDFW recommends DRP revise the Project's CEQA document to discuss how the Project has been modified through "project conditions" to reduce impacts on sensitive and special-status species. Sensitive and special-status species should include all of those species identified on page 20 in the ND as well as species covered in this letter. The Project's CEQA document should also discuss how the access roads and other development have been designed, revised, and agreed to by the Project Applicant, to avoid impacting areas where sensitive and special-status species and their habitat may occur.

Recommendation #8: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022c). Information on special status native plant populations and sensitive natural communities, the [Combined](#)

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[Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022d).

Recommendation #9: CDFW recommends DRP provide Biological Resources Mitigation Measures for the Project and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist DRP in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), enforceable through permit conditions, agreements, or other legally-binding instruments [CEQA Guidelines, § 15126.4(a)(2)], and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). DRP is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided DRP with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft MMRP (Attachment A).

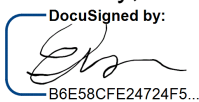
Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Los Angeles County Department of Regional Planning and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Regional Planning in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Regional Planning has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov

Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov

Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov

Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov

Julisa Portugal, Los Alamitos – Julisa.Portugal@wildlife.ca.gov

Emily Galli, Los Alamitos – Emily.Galli@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

Attachment(s):

Attachment A: Draft Mitigation and Monitoring Reporting Plan

Attachment B: Draft Conditions for Biological Resources for Ball Mountain Single-Family Residences Project 2019-001416 (version date: April 18, 2022)

Attachment C: Gnatcatcher Habitat

References:

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1-Discuss the Project's potential impact on coastal California gnatcatcher	DRP should revise the Project's CEQA document to include a discussion of natural vegetation communities on site with a specific emphasis on coastal scrub. The CEQA document should discuss the Project's potential impacts on coastal California gnatcatcher from the standpoint of the following: habitat loss, encroachment, fragmentation, and connectivity; edge effects; take of nests, eggs, or nestlings; and glare or strikes from the solar arrays. The Project's CEQA documents should provide figures showing gnatcatcher habitat overlaid on the proposed Project plan. Finally, the Project's CEQA document should provide measures to mitigate for potentially significant impacts on coastal California gnatcatcher.	Prior to finalizing CEQA document	Los Angeles County Department of Regional Planning (DRP)
REC-2-Fish and Game Code section 1602	To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	Prior to finalizing CEQA document	DRP
REC-3-Fish and Game Code section 1602	DRP should revise the Project's CEQA document to provide a delineation of streams and natural plant communities in the Project site and adjacent areas where there is hydrologic connectivity. The Project's CEQA documents should provide figures showing streams and natural plant communities overlaid on the proposed Project footprint.	Prior to finalizing CEQA document	DRP
REC-4-Conditions for	DRP should include a final Biological Resources Conditions with the Project's final CEQA document and include these conditions as	Prior to finalizing	DRP

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Biological Resources	<p>part of a Mitigation Monitoring and Reporting Plan (MMRP). A final Biological Resources Conditions should be equal or more effective measures as the Draft Conditions for Biological Resources and should include measures addressing all the resources identified in the draft. This includes the following:</p> <ul style="list-style-type: none"> • Landscaping; • Fencing, walls, enclosures, and signage; • Biological monitor; • Pre-construction surveys for breeding birds, slender mariposa lily, and low; mobility reptiles; and • Jurisdictional resources. <p>DRP should recirculate the Project's CEQA document for review if final Biological Resources Conditions are lesser or less effective than measures in the Draft Conditions for Biological Resources, and/or if DRP determines that the proposed measures or project revisions will not reduce potential effects to less than significances and new measures or revisions must be required.</p>	CEQA document	
REC-5-Impacts on Rare Plants	<p>DRP should revise Biological Resources Condition 44b and include this measure as part of a MMRP, to avoid impacts on rare plants and seedbank. A minimum avoidance buffer should be provided, which may vary depending on the rare plant species. An avoidance buffer should prevent the following impacts on rare plants and seedbank:</p> <ul style="list-style-type: none"> • trampling by earthmoving equipment; • removal of soil that renders living seeds in the soil inviable or causes them to be killed; • erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; and • death of living seeds due to mold, disease, or other reasons that cause inviability. 	Prior to finalizing CEQA document	DRP

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	<p>An adequate buffer should protect the core population and habitat while allowing for the population to spread outwards. To the extent feasible, the areas between preserved locations should also be preserved in order to establish connectivity between adjacent populations. DRP should provide an explanation of chosen buffer distance(s) to avoid impacts on rare plants, seedbank, and habitat.</p> <p>If slender mariposa lily is detected, DRP should revise Biological Resources Condition 44b to require the Project Applicant to submit an avoidance and/or planting plan prior to issuance of grading permits and any clearing, grading, or excavation work on the Project site. The plan should be prepared by a qualified biologist. The plan should be reviewed and approved by DRP. The plan should include a monitoring and reporting plan to document compliance with avoidance and/or compensatory mitigation measures. Monitoring and reporting should be performed by a qualified biologist.</p>		
REC-6-Discuss the potential effects and impacts of solar arrays on biological resources	<p>The Project's CEQA document should discuss what effects the two proposed solar arrays may have on biological resources in areas within and adjacent to the Project site. In addition, the Project's CEQA document should discuss what direct and indirect impacts the solar arrays may have on biological resources. Measures to mitigate the impacts of solar arrays on biological resources should be provided in the Project's CEQA document, including a discussion of the feasibility, efficacy, and enforceability of those measures.</p>	Prior to finalizing CEQA document	DRP
REC-7-Adequate Disclosure	<p>DRP should revise the Project's CEQA document to discuss how the Project has been modified through "project conditions" to reduce impacts on sensitive and special-status species. Sensitive and special-status species should include all of those species identified on page 20 in the ND as well as species covered in CDFW's comment letter. The Project's CEQA document should also discuss how the access roads and other development have been designed, revised, and agreed to by the Project Applicant, to</p>	Prior to finalizing CEQA document	DRP

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	avoid impacting areas where sensitive and special-status species and their habitat may occur. CDFW also recommends DRP include the Draft Biological Resources Conditions with the Project's CEQA document.		
REC-8-Submitting Data for Sensitive and Special Status Species and Natural Communities	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms . Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.	Prior to finalizing CEQA document	City
REC-9-Mitigation and Monitoring Reporting Plan	The City should provide Biological Resources Mitigation Measures for the Project and condition the environmental document to include mitigation measures recommended in CDFW's comment letter.	Prior to finalizing CEQA document	City
MM-BIO-1-Impacts on Coastal California Gnatcatcher-Surveys	The Project Applicant shall retain a qualified biologist to survey the Project site and adjacent areas for coastal California gnatcatcher prior to any clearing, grading, or excavation work on the Project site. The qualified biologist shall conduct surveys according to U.S Fish and Wildlife Service's Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Guidelines . The protocol shall be followed for all surveys unless otherwise authorized by the U.S Fish and Wildlife Service in writing. A report documenting survey results, including negative findings, and an impact assessment shall be prepared and provided to the U.S Fish and Wildlife Service, California Department of Fish and Wildlife, and to the Department of Regional Planning.	Prior to any clearing, grading, or excavation work on the Project site	Project Applicant

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MM-BIO-2- Impacts on Coastal California Gnatcatcher- Consult with USFWS	If gnatcatchers are present, the Project Applicant shall consult with the U.S Fish and Wildlife Service to determine if the Project would result in take of coastal California gnatcatcher.	Prior to any clearing, grading, or excavation work on the Project site	DRP/Project Applicant
MM-BIO-3- Impacts on Coastal California Gnatcatcher- Replacement Habitat	The Project Applicant shall provide replacement habitat for permanent loss of coastal California gnatcatcher habitat at no less than 2:1.	Prior to any clearing, grading, or excavation work on the Project site	Project Applicant
MM-BIO-4-Fish and Game Code Section 1602- Notify CDFW	The Project Applicant shall notify CDFW pursuant to Fish and Game Code 1602. The Project Applicant shall submit proof to Department of Regional Planning that CDFW was notified prior to approval of improvement plans; issuance of grading permits; issuance of a Conditional Use Permit, and any clearing, grading, or excavation work on the Project site.	Prior to approval of improvement plans; issuance of grading permits; issuance of a Conditional Use Permit, and any clearing, grading, or excavation work on the Project site	DRP/Project Applicant
MM-BIO-5- Fish and Game Code Section 1602- Notify CDFW	The Project Applicant's notification to CDFW shall provide the following information: 1) A description of the proposed Project, include grading and cutting work that has already occurred within the Project	Prior to approval of improvement plans;	Project Applicant

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	<p>site;</p> <p>2) A stream delineation in accordance with the U.S Fish and Wildlife Service wetland definition adopted by CDFW;</p> <p>3) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition;</p> <p>4) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and</p> <p>5) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation shall assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.</p>	<p>issuance of grading permits;</p> <p>issuance of a Conditional Use Permit, and any clearing, grading, or excavation work on the Project site</p>	
<p>MM-BIO-6- Fish and Game Code Section 1602-Lake and Streambed Alteration Agreement</p>	<p>If a LSA Agreement is needed for the Project, the Project Applicant shall obtain a LSA Agreement from CDFW and provide a copy of the LSA Agreement to Department of Regional Planning prior to approval of improvement plans; issuance of grading permits; issuance of a Conditional Use Permit; and any clearing, grading, or excavation work on the Project site. The Project Applicant shall comply with the mitigation measures detailed in the LSA Agreement issued by CDFW.</p>	<p>Prior to approval of improvement plans;</p> <p>issuance of grading permits;</p> <p>issuance of a Conditional Use Permit; and any clearing, grading, or</p>	<p>DRP/Project Applicant</p>

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		excavation work on the Project site	
MM-BIO-7- Fish and Game Code Section 1602- Compensatory Mitigation	The Project Applicant shall provide compensatory mitigation for impacts on streams at no less than 2:1 for the impacted stream and habitat acreage, or at a ratio acceptable to CDFW.	Prior to any clearing, grading, or excavation work on the Project site	DRP/Project Applicant

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**Attachment B: Draft Conditions for Biological Resources for Ball Mountain
 Single-Family Residences Project 2019-001416 (April 18, 2022)**

BIOLOGICAL RESOURCES

- 40.** Prior to the development of the proposed single-family residence on APN 3231-010-019 or the driveway leading to it, or related grading or development, or of the proposed solar panel array on the north part of APN 3231-010-020, Conditions No. 41 through 45 shall be completed. Such development may not occur unless and until a Revised Exhibit "A" is approved by Regional Planning Staff for said development, and any other necessary permits have been issued. A Regional Planning Staff Biologist shall verify that all necessary requirements have been satisfied prior to approval of a Revised Exhibit "A" pursuant to this condition. Conditions No. 41 through 45 are only applicable for development of the proposed single-family residence on APN 3231-010-019 and the driveway leading to it, and related grading and development, and of the proposed solar panel array on the north part of APN 3231-010-020.
- 41. Landscaping**—A copy of the landscaping plan shall be submitted to the DRP for approval prior to issuance of a building permit. The landscape plan shall show size, type and location of all plants and watering facilities. Only locally indigenous native species shall be utilized outside of Fire Department mandated irrigated areas. Within irrigated zones non-invasive, drought-tolerant, non-native species may be used.
- 42. Fencing, Walls, Enclosures, and Signage**—Fencing shall be designed with materials not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, or razor/barbed wire. All hollow fence and sign posts, or posts with top holes, such as metal pipes or sign posts with open bolt holes, shall be capped and the bolt holes filled to prevent the entrapment of bird species.
- **Impermeable Fencing, Wall or Enclosure:** Impermeable fencing, walls, and enclosures shall be permitted within the development footprint and outside of natural habitat areas.
 - **Permeable Fencing:** Wildlife-permeable fencing may be permitted in order to delineate lot boundaries or to section off development features, such as streets, trails, driveways, active, recreation areas, or animal keeping structures. Such fencing shall be developed as follows:
 - Fences shall be located outside of dedicated open space areas;
 - Fences shall be of an open design and made out of materials that are visible to wildlife, such as wood rail, steel pipe, vinyl rail, PVC pipe, recycled plastic rail, or coated wire;
 - The bottom edge of the lowest horizontal rail or board shall be no closer than 18 inches from the ground;
 - Except where a different height is stated, the top edge of the topmost rail or board shall be no higher than 48 inches from the ground; and
 - Fencing shall provide sufficient sight distance at driveways and intersections to the satisfaction of the Department of Public Works.
- 43. Biological monitor**—Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of Regional Planning and the California Department of Fish and Wildlife ("CDFW"). That person shall

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ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g. avian biologists for bird surveys, herpetologists for reptile surveys, botanist for plant surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to Regional Planning and CDFW at their request.

During grading, earthmoving activities, and other construction activities the biological monitor shall be present to inspect and enforce all conditions pertaining to biological resources (Conditions No. 40 through 45) and to relocate any species that may come into harm's way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading or construction activities if violations of conditions or any local, state, or federal laws are suspected. The biological monitor shall file a report of the monitoring activities with Regional Planning and CDFW. If ongoing biological monitoring of construction activities reveals the presence of any special-status reptiles within an active work area, then work shall be temporarily halted until the animals can be collected and relocated to areas outside of the designated work zones. Work areas shall be surveyed for special-status species during construction activities. Any special-status species occurring within the work area shall be collected and relocated to areas outside of the designated work zones.

44. Pre-construction surveys

A. Breeding birds—Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found, the project proponent may delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must

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be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. The project proponent shall provide the Department of Regional Planning the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to Regional Planning and, upon request, the CDFW. Based on the submitted information, Regional Planning (and the CDFW, if the CDFW requests) will determine whether to allow a narrower buffer.

The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to Regional Planning during the grubbing and clearing of vegetation, and shall notify Regional Planning immediately if project activities damage active avian nests.

B. Slender Mariposa Lily—A seasonally appropriate survey (April – June) for slender mariposa lily shall be conducted prior to the issuance of grading permit. If slender mariposa lily is detected, it shall be avoided to the greatest extent possible. If pre-construction surveys reveal individuals that cannot be avoided, mitigation of lost slender mariposa lily shall be provided at a minimum 10:1 ratio. This acreage will be calculated with input from Regional Planning and CDFW. Additionally, because slender mariposa lilies have locally available seed sources, plantings of the lilies on appropriate soil types on Projects shall be implemented in selected areas. The lilies may also be transplanted from areas planned for disturbance to more suitable locations in the Project area. Transplantation locations must be situated within adequately buffered areas to be found suitable. The mitigation acreage may be located within the Project sites, but outside of the area of development, subject to Regional Planning and CDFW approval, if acreage of sufficient quantity and quality exists.

C. Low-mobility reptiles—Prior to the issuance of a grading or building permit, drift fence or other barrier impermeable to reptiles shall be erected around the construction area and pre-construction surveys shall be conducted for special-status ground-dwelling reptiles. Surveys shall be conducted by installing an array of pit-fall traps, coverboards, or other devices as determined to be appropriate by the biological monitor on the ground prior to the commencement of construction. Pit-fall traps, if used, must be checked daily. Coverboards shall be installed no less than 4 weeks prior to construction and checked at least weekly. Pit-fall traps shall be covered during periods when daily checking is not possible (weekends, holidays, in the event of during construction delays, etc.). Any special-status reptiles or other species determined important by the qualified biological monitor (i.e., biologist must be appropriately permitted for collection and relocation

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activities) occurring within the work area prior to the start of work shall be collected and relocated to areas outside of the designated work zones.

45. Jurisdictional resources—If jurisdictional waters cannot be avoided, the Project Applicant shall apply for a Section 401 permit from the Regional Water Quality Control Board (RWQCB) and a 1602 Streambed Alteration Agreement from CDFW. These permits shall be obtained prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site. The Project Applicant shall ensure that the Project would result in no net loss of Waters of the State by providing mitigation through impact avoidance; impact minimization; and/or compensatory mitigation for the impact, as determined in the Streambed Alteration Agreement. Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities (these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit Applicants); and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of secured permits shall be provided prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site.

Temporary construction staking or fencing shall be erected under the supervision of a qualified Biologist at or outside the edge of the impact areas where they interface with jurisdictional features. This fencing shall be erected prior to commencement of grading activities and shall demarcate areas where human and equipment access and disturbance from grading are prohibited. A qualified Biologist shall monitor all site preparation and grading activities near these interfaces during construction. Staging areas shall be restricted to approved impact areas only.

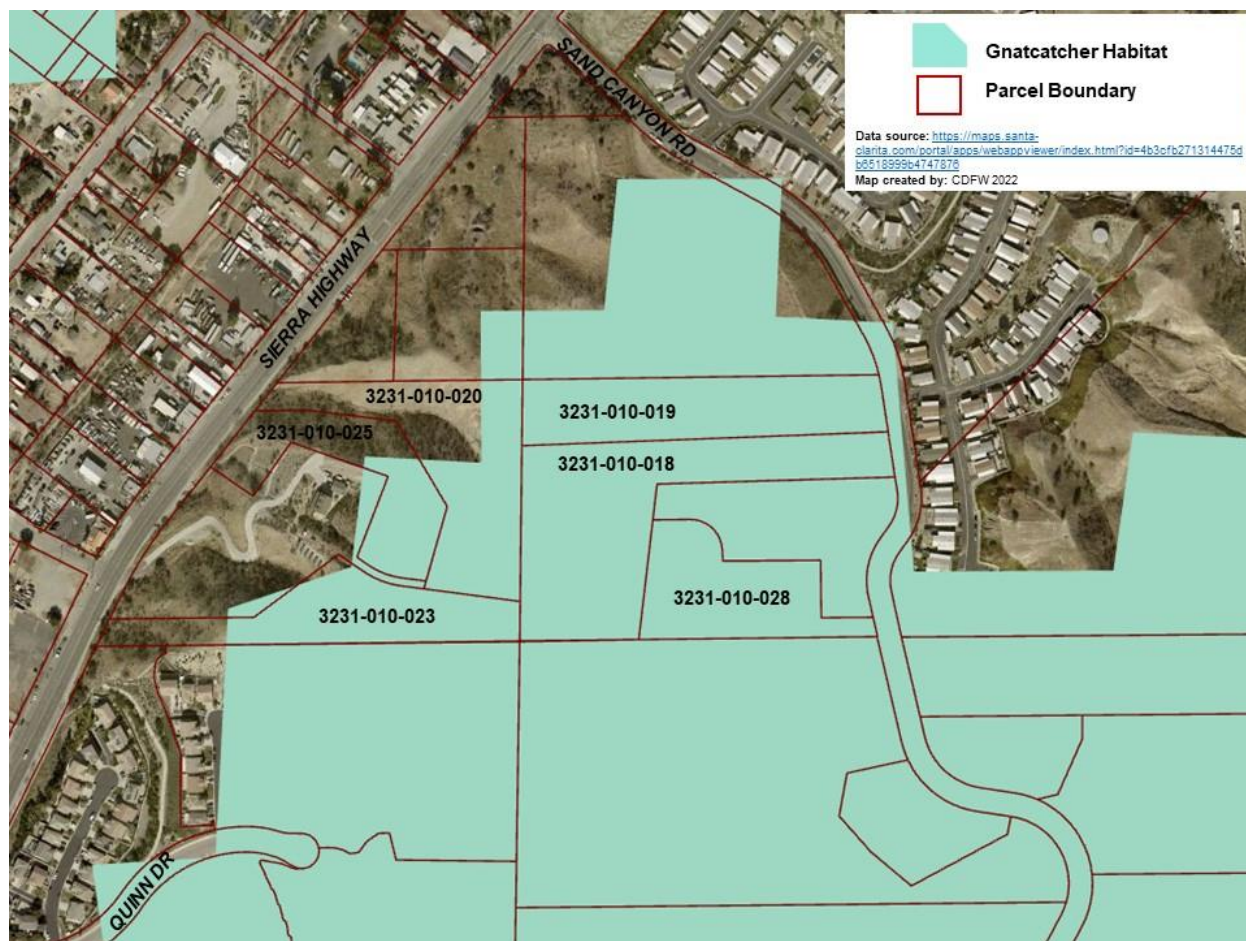


State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment C: Gnatcatcher Habitat





May 19, 2022

Los Angeles County
Department of Regional Planning
Attn: Richard Claghorn
320 West Temple Street
Los Angeles, CA 90012

RE: Ball Mountain Single Family Residences – Project No. 2019-001416 - CUP

Dear Mr. Claghorn:

In reviewing the information provided by the LA County Department of Regional Planning for the Ball Mountain Single Family Residences Project ("Project"), SCV Water is providing the following comments regarding the planned water service for the Project.

The Conditional Use Permit requested would authorize the distribution of water to the 8 parcels within the Project scope by the Ball Mountain Water Mutual Company ("Water Mutual"). This Water Mutual was recently formed in 2019, and little information is available for the wells that will be associated with the Project and whether they can sustain the demands of the additional dwelling units over time.

SCV Water has not been contacted to provide a water service plan for the Project, but would like to share specific experience regarding these types of water service arrangements within its service area. Historically, SCV Water has been approached to take over water service for these types of water systems after time has passed and the water systems have fallen into disrepair. If the proposed water system were to fail and SCV Water was approached to provide water service, the water system would need to be replaced with facilities that meet current SCV Water standards as well as Division of Drinking Water and L.A. County Fire Department service standards. The property owners would be required to finance the water system improvements and pay all applicable connection and capacity fees in order to be considered to receive water service from SCV Water.

Thank you for the consideration of these comments, should you require additional information, please contact me at (661) 705-7912.

Sincerely,

Rick Vasilopoulos
Water Resources Planner
Santa Clarita Valley Water Agency